



The road to London riots paved with good intentions

Shop fire in the Party Superstore, Lavender Hill, Clapham Junction, 8 August 2011 (Andy Armstrong)

Joyce Lee Malcolm explores the recent history of British policy and law on self-defence, to better understand the riots of August 2011.

While shops and buses in London were still blazing and bystanders being beaten senseless, excuses for the arsonists, looters and muggers began streaming in – government austerity cuts were to blame, the rioters couldn't find employment, they had disappointing A-levels, they suffered from broken homes, poverty, feelings of alienation. Society was at fault. What better behaviour could be expected until the deep roots of Britain's social ills were corrected. Punishing the offenders, the public was warned, would put a strain on the courts and the prisons but change nothing.

Few fingers pointed at the distortions in the British legal system that denies law-abiding men and women the means and the right to protect themselves, then leaves them to the mercy of offenders who, if caught, are quickly returned to the streets, or never removed from them at all. Police and prisons are expensive and, as we all know, incarceration doesn't always rehabilitate prisoners. But with a defenceless public and only minimal punishment there is little to deter anyone keen on preying on fellow citizens. This regrettable tilt in British law was in large measure responsible for the anarchy and violence Londoners experienced in early August.

Government's decision to opt for public order at the cost of individual safety began in 1920 when fears of a Bolshevik revolution led to passage of the Firearms Control Act, the first real restriction on handguns for self-defence. The act required police to license handguns. Approval was to be based upon whether the applicant was a "suitable person" to have a gun and had a "good reason" to have it. A series of classified instructions from the Home Office narrowed the definition of "good reason" until in 1969 the police were informed: "It should never be necessary to possess a firearm for the protection of his house or person." In 1997, in response to the terrible Dunblane massacre, all handguns were banned and those already owned were confiscated. No exception was allowed for Britain's crack Olympic shooting team or for handicapped target shooters.

The result has not been what the proponents expected. Gun crime had doubled a decade later with the very weapon banned. Indeed, in London gun crime in 2010 had doubled in one

year. While gun crime climbs, the police are intolerant of any innocent contact with a gun. In 2009 when former soldier Paul Clarke turned in a gun he found in his garden to the Surrey police, he was immediately taken to the cells to face a five-year prison sentence. Surrey law required him to telephone the police and they would pick up the gun. At Clarke's trial the judge pointed out: "in law there is no dispute that Mr Clarke has no defence to this charge. The intention of anybody possessing a firearm is irrelevant."

Guns were not the only weapon prohibited by British governments. The 1953 Prevention of Crime Act made it illegal to carry any item in a public place with the intention to use it for defence. During the parliamentary debate Ronald Bell MP pleaded in vain that carrying something for self-defence be permitted:

...One has to remember that there are many places where society cannot get, or cannot get there in time. On those occasions a man has to defend himself and those whom he is escorting. It is not very much consolation that society will come forward a great deal later, pick up the bits, and punish the violent offender.

The rationale for disarming the public was put this way: "the more the ordinary citizen arms himself the more excuse is there for the person who intends to perpetrate something unlawful to arm himself so that he can achieve his end." Of course this approach leaves the criminal to decide what level of force to use. Since passage of the act crime has increased while pedestrians have been arrested for carrying a razor, a pickaxe handle, a stone and a drum of pepper. In 1987 Eric Butler, a British Petroleum executive, was attacked in a London underground car by two men strangling him and smashing his head against the door. No one came to his aide. In desperation he unsheathed the ornamental sword in his walking stick and slashed at one of his attackers. His assailants were charged with unlawful wounding, but Butler was convicted of carrying an offensive weapon. An American tourist who used her penknife to protect herself when she and two friends were violently attacked by three men in the London underground was arrested when she reported the incident to the police. She was convicted of carrying an offensive weapon.

There is also a list of prohibited weapons possession of which carries a ten-year sentence. Along with rocket launchers and

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machine guns, the list includes chemical sprays and any knife with a blade more than three inches long.

While the public was disarmed, government's promise to protect the innocent has fallen victim to financial concerns and sympathy for offenders. Instead of more police London buildings sport thousands of surveillance cameras. Sentences for violent crimes have been reduced and offenders routinely serve just half their sentence. Only under unusual circumstances is anyone under eighteen incarcerated. Then there are "cautions." Offenders who admit guilt for some 60 crimes including assault and arson are let off with a caution – no jail time, no fine, no community service, no court appearance. They are immediately back on the streets. The Telegraph reported that in 2009 four in ten serious criminals were let off with a caution while cautions given to violent criminals rose 82% in five years. In 2009 70% of those burglars police managed to apprehend were let off with a caution. Nearly 40% of crimes are not even being investigated. Little wonder Britain was found to be the most violent country in Europe that year. Street crime is rampant. In some areas on London street crime was up 70% in one year. Today, depending on where you live in London, you are 5.9 to 7.4 times more likely to be mugged than in New York's Harlem neighbourhood.

During the August riots the disastrous policy of disarming the innocent meant that Londoners whose lives, homes and shops were threatened were reduced to buying baseball bats for protection, sending Amazon's sales of bats up 5000%. In a Turkish neighbourhood of London residents took matters into their own hands standing guard in their street all day and night to chase off thugs. "They come to our shops," one man told the Daily Mail, "and we fight them with sticks." In the midst of violent mayhem, the public was reduced to protecting themselves with sticks and clubs.

The fruits of years of repeated leniency toward offenders was on display in the courts that indicted rioters. Three quarters of rioters had a previous caution or conviction, one-quarter had ten previous convictions and those with a criminal record averaged 15 offences. Yet despite all these offences there they were, out on the streets preying on the innocent. Prison may not rehabilitate them, but neither does the failure to punish. At the very least prison gets them off the streets and acts as a deterrent.

The United States policy is the opposite of Britain's: people are trusted to keep arms to protect themselves and the police apprehend, convict and incarcerate more offenders than in the UK. Not only is New York City safer than London, but despite hard economic times the US logged a big drop in crime last year. In fact, violent crime has been declining in America for more than twenty years.

The illusion that disarming the British public would produce a safer community has proven tragically false. It has transformed a once peaceful country into a violent one. A government's first duty is to protect its people, but since no police force, however large, can protect everyone all the time, people must be allowed to protect themselves. And offenders must be punished, despite the financial cost. The riots were a wake-up call •